

HOUSE No. 846

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to provide indemnity from prosecution for probation officers and court officers employed by the Trial Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO INDEMNITY OF PROBATION AND COURT OFFICERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 258 is hereby amended by adding the following new
2 section:—

3 Section 9B. If, in the event a suit is commenced against a Pro-
4 bation or Court Officer employed by the Trial Court, by reason of
5 a claim for damages resulting from an alleged intentional tort or
6 by reason of an alleged act or failure to act which constitutes a
7 violation of the civil rights of any person under federal or state
8 law, the commonwealth, at the request of the affected officer, shall
9 provide for the legal representation of said officer.

10 The commonwealth shall indemnify Probation or Court Offi-
11 cers employed by the Trial Court, respectively, from all personal
12 financial loss and expenses, including but not limited to legal fees
13 and costs, if any, in an amount not to exceed one million dollars
14 arising out of any claim, action, award, compromise, settlement or
15 judgment resulting from any alleged intentional tort or by reason
16 of an alleged act or failure to act which constitutes a violation of
17 the civil rights of any person under federal or state law; provided,
18 however, that this section shall apply only where such alleged
19 intentional tort or alleged act or failure to act occurred within the
20 scope of the official duties of such officer.

21 No Probation or Court Officer employed by the Trial Court
22 shall be indemnified for any violation of federal or state law if
23 such member or employee acted in a willful, wanton, or malicious
23 manner.